

**ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020**  
**COMMITTEE STATEMENT**  
**LB998**

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**Hearing Date:** Monday January 27, 2020  
**Committee On:** Education  
**Introducer:** Murman  
**One Liner:** Require behavioral awareness and intervention training and points of contact, transfer funds, and change the Tax Equity and Educational Opportunities Support Act

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Brewer, Groene, Kolowski, Morfeld, Linehan, Murman,  
Pansing Brooks, Walz

**Nay:**

**Absent:**

**Present Not Voting:**

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**Oral Testimony:**

**Proponents:**

Senator Dave Muirman  
Kyle McGowan  
Kraig Lofquist  
John Skretta  
Robert Miller  
Jack Moles  
Rita Bennett  
Scott Hartman  
Claudia Brown-Jackman  
Kyle Hesser  
Brian Halstead

**Representing:**

introducers  
NCSA  
ESU Coordinating Council  
ESU 6  
NSEA--Omaha Education Association  
NRCSA  
NSEA--Lincoln Education Association  
Boys Town  
Safe Hands, Healing Hands  
Nebraska School Psychologists Association  
Nebraska Department of Education

**Opponents:**

**Representing:**

**Neutral:**

Spike Eickholt  
Edison McDonald

**Representing:**

ACLU  
The Arc of Nebraska

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**Summary of purpose and/or changes:**

LB998 requires each school district to provide behavioral training to all school employees, and distributes money for that purpose from the Behavioral Training Cash Fund. Behavioral awareness and Intervention Training will be required for administrators, teachers, paraprofessionals, school nurses, and counselors.

The training will be offered annually and every employee is required to go through the training every three years.

Funding Sections (Sections 1, 2, 3, 5, 6, 7, and 8):

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These sections create the Behavioral Training Cash Fund, which consists of funds received pursuant to Neb. Rev. Stat. Sec. 9-812 State Lottery Operation Trust Fund. Money in the fund will be distributed according to Section 6 of this act to the school districts for the purposes of behavioral training.

Section 6 outlines the formula by which such funding is calculated. All school districts shall receive a base training reimbursement of two-thousand (2,000) dollars for each school in their district. Furthermore, within school districts, specific schools with a full-time teacher equivalent (FTE) greater than or equal to eighty (80) will receive additional training reimbursement for each school. The Department of Education will calculate "additional training reimbursement units" for each school as follows: 80-159 FTE = 1 additional reimbursement unit; 160-239 FTE = 2 units; greater than or equal to 240 FTE = 3 units. The value per unit is determined annually by dividing the balance of funding available after the calculated \$2000 per school by the total number of statewide additional reimbursement units, but it shall not exceed \$2000 per unit. (i.e. in effect, each block of 80 teachers will be counted as an additional school)

The first year (2020-21), all schools will qualify for the funding, without certification, to compensate for timing. Subsequently, however, school districts must send their training plan to the State School Security Director to evaluate and certify compliance in order to receive funds.

The Department of Education shall include the behavioral training in the calculation of both formula needs and resources in the Tax Equity and Educational Opportunities Support Act (TEEOSA) formula.

Substantive Training Sections (Section 4).

Section 4 amends Neb. Rev. Stat. Sec. 79-2, 146, to require school districts to ensure that administrators, teachers, paraprofessionals, nurses, and counselors receive behavioral awareness and intervention training. Each school district may provide a similar level of training to other employees, and is also required to train all other employees to have at least a basic awareness of the school's goals, strategies, and schoolwide plans related to such training.

Beginning in 2021-22, each school district shall ensure this training is offered annually. Employees who receive this training are required to receive training review at least once every three years.

Section 4 also specifies that any legal protections and defenses for school employees shall not be made contingent on whether that employee has received a certain level of training.

Section 4 also enumerates the baseline substantive requirements that a behavioral awareness and intervention training program must have, including:

- (a) recognizing detrimental factors impacting student behavior including signs of trauma
- (b) positive behavior support and proactive teaching strategies, including expectations and boundaries
- (c) verbal intervention and de-escalation techniques
- (d) clear guidelines on removing and returning students to class
- (e) behavioral interventions and supports that will take place when the student is outside of the classroom
- (f) physical intervention for safety

Such training must be consistent with the Student Discipline Act, include an awareness of the protections for school personnel found in the Act, as well as awareness of the requirement for written consent of a parent or guardian pursuant to Neb. Rev. Stat. Sec. 79-258.

Section 4 also requires schools to designate at least one employee as the behavioral awareness and intervention point of contact. The employee must have received behavioral awareness and intervention training.

Section 4 also requires a school to maintain or have access to a registry of local mental health and counseling resources. The behavioral awareness and intervention point of contact is tasked with coordinating access to those services with students whenever possible. If information about external services is provided to a student, the school

shall notify the parent or guardian unless law enforcement or child protective services is involved. Each school must also list its behavioral awareness and intervention point of contact on the school's website and directory.

Section 4 also requires schools to submit their proposed training plan, on or before September 1, 2021, and September 1 of each year thereafter, to the State School Security Director. The report will summarize how the training plan meets or exceeds the baseline substantive requirements found in this section.

Section 4 provides that the training in this section shall be funded from the Behavioral Training Cash Fund. Any school district that fails to file the required report with the State School Security Director or is found to be in noncompliance shall not receive funding provided by this section. By October 31, 2021, and each October 31 thereafter, the State School Security Director will determine and certify the compliance of each plan.

Section 9.

Section 9 repeals the original statutes that are amended as described above.

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**Explanation of amendments:**

AM 2214 is a strikethrough amendment to LB 998.

The amendment changes the training cycle window from 2024-25 (which would be 4 years) to 2023-24.

This corrects the timeline per the existing language that specifies that training review will happen at least once every three (3) years (pg. 8 ln. 17).

The amendment also slightly modifies the wording that frames how the training is originated (changing "each school district shall offer" to "each school district shall ensure that [training is offered]").

The amendment removes the word "recommendation" in reference to coordinating actions taken by the behavioral awareness and intervention point of contact.

AM 2214 makes several tweaks to the lottery funding timeline and mechanism. The amendment changes the transfer date of lottery money to the Behavioral Training Cash Fund from June 30th to August 1st, as well as changes the date that the formula calculation takes place (calculating how much each school district receives) from December 1st to August 10th. The amendment also adds language which provides for the contingency that if lottery proceeds fall and there is not enough to cover the base funding, the amount given to each school district is reduced pro rata. Additionally, language is included to ensure that funding is not included as a TEEOSA resource, but is still demarcated so the schools know exactly how much they received to fund training.

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Mike Groene, Chairperson